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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,395	08/23/2001	Gaurav Batra	AUS920010449US1	9828

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EXAMINER
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SCHUBERT, KEVIN R

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/935,395

Applicant(s)

BATRA, GAURAV

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01242002</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

Claims 1-39 have been considered.

***Claim Rejections - 35 USC § 112***

5           The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10           Claims 4,17, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims disclose "said DTD file" and "said plurality of tags". Neither a "DTD file" nor a "plurality of tags" is disclosed in claims 1,14, and 27 on which claims 4,17, and 30 depend. The examiner assumes a "DTD" file is in place of "said DTD file". The examiner assumes "tags" is in place of "said  
15   plurality of tags".

            Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim discloses "said system for automatically configuring an IP security tunnel". A "system for  
20   automatically configuring an IP security tunnel" is not disclosed in the claim. The examiner assumes "said system" is in place of "said system for automatically configuring an IP security tunnel".

***Claim Rejections - 35 USC § 102***

            The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for  
25   the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

30           (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5            Claims 1,5-14,18-27, and 31-39 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Sa, U.S. Patent Application Publication No. 2002/0178355.

As per claims 1,14, and 27, the applicant describes a data processing system for defining a configuration of IP security tunnels comprising the following limitations which are met by D'Sa:

- 10            a) a security policy specification format capable of being utilized by a plurality of different operating systems and a plurality of different machine types ([0041], Fig 2);
- b) said system for automatically configuring an IP security tunnel utilizing said security policy specification format ([0042], Fig 2);

              The applicant should note that the ideas of the instant invention have already been expressed in

15            D'Sa. Though D'Sa maintains some of the same inventors as the instant invention, the inventive entity is different.

As per claims 5-11,18-24, and 31-37, the applicant describes the system of claims 1,14, and 27, which are met by D'Sa (see above), with the following limitations which are met by D'Sa:

- 20            a) a root element ([0070]);
- b) a protection element ([0099]);
- c) a transform element ([0090], [0153]);
- d) a group element ([0065]);
- e) an identification element ([0066]);
- 25            f) a tunnel element ([0138], [0139], [0177]);
- g) a local/remote identify element ([0058], [0061]);
- h) an ID type element ([0066]);
- i) an ID definition element ([0067]);

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- j) a pre-shared key element ([0099]);
- k) an IPsec proposal element ([0071], [0072]);
- l) an IPsec authentication header element ([0146]);
- m) an IPsec protection element ([0146]);

5

As per claims 12-13,25-26, and 38-39, the applicant describes the system of claims 1,14, and 27, which are met by D'Sa (see above), with the following limitation which is met by D'Sa:

Further comprising the step of automatically configuring an IP security tunnel utilizing said security policy specification format ([0040] and [0041]);

10

As described by D'Sa, security tunnels are configured and stored in a database wherein a user can reconnect and have a security tunnel automatically reconfigured according to parameters in the database. This is done through a process in which first and second security policies are compared and the policy and tunnel which is applicable to the local-remote computer pair is used.

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Claims 1,14, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bendinelli, U.S. Patent No. 6,631,416.

As per claims 1,14, and 27, the applicant describes a data processing system for defining a configuration of IP security tunnels with the following limitations which are met by Bendinelli:

20

- a) a security policy specification format capable of being utilized by a plurality of different operating systems and a plurality of different machine types (Col 17, lines 36-63);
- b) said system for automatically configuring an IP security tunnel utilizing said security policy specification format (Col 17, lines 36-63);

25

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 15-17, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli in view of Pfeiffer (Pfeiffer, Ralf I. March 2, 1999. XML Tutorials for Programmers. retrieved from <http://www.informatik.hu-berlin.de/~xing/Lib/RIP-writing.pdf>).

As per claims 2-4, 15-17, and 28-30, the applicant describes the system of claims 1, 14, and 27, which are met by Bendinelli (see above), with the following limitation which is met by Bendinelli in view of Pfeiffer:

Further comprising said security policy specification format being established as a DTD file (Bendinelli: Col 17, lines 36-63; Pfeiffer: pages 5-6);

Bendinelli discloses all the limitations of independent claims 1, 14, and 27. However, Bendinelli does not disclose the use of a DTD file. Instead Bendinelli discloses the use of an XML file for maintaining security policy specification. The applicant discloses the idea of using a DTD file which mutates into an XML file.

Pfeiffer discloses that it is common in the art to maintain a DTD file with an XML document because a DTD file, through tags, provides grammar rules which increase organization and allow for validation of an XML document. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to incorporate the ideas of Pfeiffer with those of Bendinelli and add the use of DTD files with XML files because doing so increases organization and allows for validation of an XML file.

The applicant should note that the ideas of claims 2-4, 15-17, and 28-30 are all met by Bendinelli with the minor exception that only an XML file is disclosed in Bendinelli's system instead of an XML file with a corresponding DTD file.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
5 Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through  
10 Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER

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